



07-16-03

207c

Unofficial - Post Card) SERIAL NO. 10/600,730

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	ALEXOPOULOS et al.	Examiner:	N/A
Serial No.:	10/600,730	Group Art Unit:	N/A
Filing Date:	June 20, 2003	Docket No.:	HITG.028USD1
Title:	SELF-LIMITING WEAR CONTACT PAD SLIDER AND METHOD FOR MAKING THE SAME		

CERTIFICATE UNDER 37 CFR 1.10  
Express Mail' mailing label number: EV 309495823 US  
Date of Deposit: July 15, 2003  
I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 23313-1450.  
By: Kathleen McDevitt  
Name: Kathleen McDevitt

PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.10(d)

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 23313-1450

**RECEIVED**

JUL 17 2003

**OFFICE OF PETITIONS**

Dear Sir/Madam:

On June 20, 2003, the undersigned attorney of record filed the above-identified patent application. Along with the application, a self-addressed postcard was submitted pursuant to M.P.E.P. §503. On July 10, 2003, the postcard was returned, identifying Serial Number 10/600,730, and assigned a filing date of June 21, 2003. The actual filing date of this patent application was one day earlier, June 20, 2003, and this petition is being submitted to rectify this discrepancy.

The relevant rule under which the present petition is filed, 37 CFR § 1.10, does not appear to require payment of a petition fee. However, **authorization is hereby expressly provided to charge Deposit Account Number 50-0996 (HITG.028USD1) for any requisite fee(s) associated with this petition.**

The present petition is being submitted pursuant to 37 CFR §1.10(d), which is reproduced below:

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Pursuant to 37 CFR § 1.10(d)(1), the present petition is being filed promptly after becoming aware that the Office has accorded a filing date based upon an incorrect entry by the United States Postal Service (USPS). The undersigned attorney of record noticed the incorrect filing date on July 10, 2003, based on a return postcard received at Crawford Maunu PLLC on July 10, 2003. A copy of the return postcard showing the USPTO Serial Number and filing date is attached as Exhibit A.

37 CFR § 1.10(d)(2) requires that the number of the "Express Mail" mailing label be placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail." This requirement was met, as evidenced by the transmittal document filed with this patent application, attached as Exhibit B. As seen from the transmittal document shown in Exhibit B, a "CERTIFICATE UNDER 37 CFR

1.10" was provided, identifying "Express Mail mailing label number" EV 309495695 US. The Express Mail mailing label sticker is also shown on the file copy of the document, positioned to the right of the address block. Compliance with 37 CFR § 1.10(d)(2) has therefore been achieved.

37 CFR § 1.10(d)(3) requires a showing which establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. This showing is to be evidenced by USPS information, or information that came into being after deposit and within one business day of the deposit of the patent application. This showing can be established by the Applicant, as set forth below.

The facts associated with this issue are generally as follows. The above-identified patent application was prepared for filing on June 20, 2003. An "Express Mail" mailing label number (EV 309495695 US) was included in the 37 CFR § 1.10(a) certificate on the transmittal documents accompanying the patent application. A self-addressed postcard was attached to the patent application pursuant to M.P.E.P. §503 (see Exhibit A). The patent application, accompanying documents, and self-addressed postcard were packaged in a single Express Mail package, which was hand-delivered to the USPS by an employee of Crawford Maunu PLLC on June 20, 2003. Unbeknownst to this employee at the time, the USPS entered 6/21/03 in the "Date In" field of the Express Mail label, rather than 6/20/03 which was the correct date. A copy of the Express Mail label is attached at Exhibit C.

On July 10, 2003, the postcard (Exhibit A) was returned, identifying Serial Number 10/600,730, and assigned a filing date of June 21, 2003. The undersigned attorney of record was notified on July 10, 2003 by a Crawford Maunu PLLC employee that the filing date accorded by the USPTO did not correspond to the date of the 37 CFR § 1.10(a) certification. To further show compliance with the requirements of 37 CFR § 1.10(d)(3), we are attaching a copy of the receipt, shown as Exhibit D, generated by the USPS on 6/20/2003 indicating that the Express Mail package EV 309495695 US was deposited with the USPS on 6/20/2003. As evidenced by this USPS document, the

date and time in which EV 609495695 US was accepted at the Minneapolis, MN USPS was 6/20/2003, 04:13:46 PM.

It is respectfully submitted that the foregoing information fully complies with 37 CFR § 1.10(d). The Applicant respectfully requests that the filing date corresponding to U.S. Patent Application Number 10/600,730 be accorded the proper filing date of June 20, 2003.

The undersigned attorney of record may be contacted at 651-686-6633 (extension 116) to discuss any issues related to this matter.

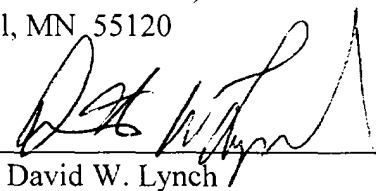
Respectfully submitted,

Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120

Date:

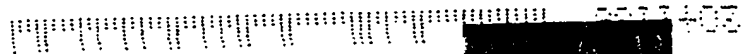
7/14/03

By:



David W. Lynch  
Reg. No. 36,204

**EXHIBIT A**



CRAWFORD MAUNU PLLC  
1270 NORTHLAND DRIVE  
SUITE 390  
MENDOTA HEIGHTS, MN 55120

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: ALEXOPOULOS et al.

For: SELF-LIMITING WEAR CONTACT PAD SLIDER AND METHOD FOR MAKING THE SAME

Docket No.: HITG.028USD1

Express Mail No.: EV-309495695 US

Date of Deposit: June 20, 2003

- ☒ Executed Certificate under 37 C.F.R. 1.10
- ☒ Request for Divisional Patent Application under 37 C.F.R. § 1.53(b)
- ☒ Therein request to charge Deposit Account No. 50-0996 (HITG.028USD1) in the amount of \$750.00 for the filing fee with authorization to charge/credit additional fees required.
- ☒ The divisional application is as follows: New Specification, Pages 1-18 including 1 page of abstract, and 11 claims; 6 sheets of drawings having Figures 1-8; 9a-9b; and 10a-10b; and Declarations/Powers of Attorney (8 pages) from the prior application.
- ☒ Priority application data identified in 1<sup>st</sup> paragraph of application.
- ☒ A concurrently-filed Information Disclosure Statement under 37 C.F.R. § 1.97(b), which identifies the prior pending application under § 1.98(d)(1-2), accompanied by (2) Form 1449 and (1) Forms 892.

Patent

16424 U.S. PTO

10/600730



06/21/03

**EXHIBIT B**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ALEXOPOULOS et al. Prior Examiner: Beacham, Christopher R.  
Parent Serial No.: 09/687,234 Prior Group Art Unit: 2653  
Divisional Filed: June 20, 2003 Docket No.: HITG.028USD1  
Title: SELF-LIMITING WEAR CONTACT PAD SLIDER AND METHOD FOR  
MAKING THE SAME

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 309495695 US  
Date of Deposit: June 20, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

By: Kathleen McDevitt  
Kathleen McDevitt

DIVISIONAL PATENT APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV309495695US

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Dear Sir:

This is a request for filing a divisional patent application under 37 CFR § 1.53(b) of prior pending patent application serial number 09/687,234, filed on October 13, 2000.

The divisional application is entitled "SELF-LIMITING WEAR CONTACT PAD SLIDER AND METHOD FOR MAKING THE SAME," for which the inventorship is identified on the attached Declaration and Power of Attorney (8 total pages) from the prior pending application. We are transmitting herewith the following:

1. ☒ A divisional application, with a new specification claiming priority to the prior application. The new application is as follows: 18 pages including 1 page of abstract; 11 claims (renumbered non-elected claims 27-37 of parent application); 6 sheets of formal drawings having Figures 1-8; 9a-9b; 10a-10b; and 8 pages of declaration from the original application. No new matter has been added.
2. ☒ The filing fee is calculated below.

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 11 -20	0	X	\$18.00	\$0
INDEPENDENT CLAIMS 1 -3	0	X	\$84.00	\$0
			BASIC FILING FEE:	\$750.00
			TOTAL FILING FEE:	\$750.00



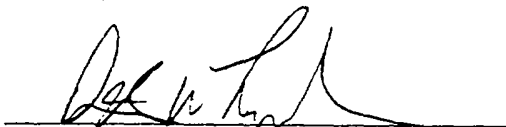
3. **Payment of fees:**

- ☒ Please charge our deposit account #50-0996 for \$750.00 (HITG.028USD1) in payment of the filing fee.
4. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No.50-0996 (HITG.028USD1).
5. ☒ This application has been amended to include before the first line the sentence:  
"This application is a divisional of U.S. 09/687,234, filed October 13, 2000, which is hereby incorporated by reference in its entirety and to which priority is claimed under 35 U.S.C. §120."
6. ☒ A set of formal drawings (6 sheets) is enclosed.
7. ☒ An Information Disclosure Statement with 2 pages of previously cited/submitted Forms 1449 and 1 page of Form 892.
8. ☒ The prior application is assigned of record to: International Business Machines Corporation.
9. ☒ The Power of Attorney in the prior application is to:
- David W. Lynch  
Reg. No. 36,204  
(651/686-6633)
10. ☒ Address all future communications to the Attention of: David W. Lynch at the address below.
11. ☒ Two (2) return postcards are enclosed.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive  
Suite 390  
St. Paul, MN 55120  
(651) 686-6633

Date: June 19, 2003

  
\_\_\_\_\_  
David W. Lynch  
Reg. No. 36,204

**EXHIBIT C**



Customer Copy  
Label 11-F June 2002



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)		
PO ZIP Code 55420	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Date In 10-21-03	<input checked="" type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd	Postage \$ 13.65	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time 4:15 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Weight 9 lbs.	Int'l Alpha Country Code	COD Fee Insurance Fee	Signature of addressee or agent (if delivery requires signature)			
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials ICA	Total Postage & Fees \$ 13.65	NO DELIVERY <input type="checkbox"/> DELIVERED <input type="checkbox"/>			
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. 4551112			Federal Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) CRAWFORD MAUNU PLLC 1270 NORTHLAND DR STE 390 SAINT PAUL MN 55120-1159  HITG.028USD1			TO: (PLEASE PRINT) Mail Stop Patent Application COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			
PRESS HARD. You are making 3 copies.						

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



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JUL 17 2003  
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**EXHIBIT D**



BLOOMINGTON BRANCH  
MINNEAPOLIS, Minnesota  
554209998

06/20/2003 (800)275-8777 04:13:46 PM

Product	Sale	Unit	Final
Description	Qty	Price	Price

ALEXANDRIA VA 22313 \$13.65  
Express Mail PO-ADD Flat

Serial Number EV309495681US  
Next Day Noon / Normal  
Delivery

Paid by account: \$13.65  
EMCA account number: 551112  
ALEXANDRIA VA 22313 \$13.65  
Express Mail PO-ADD Flat

Rate  
Serial Number EV309495695US  
Next Day Noon / Normal  
Delivery

Paid by account: \$13.65  
EMCA account number: 551112  
ALEXANDRIA VA 22313 \$13.65  
Express Mail PO-ADD Flat

Rate  
Serial Number EV258295746US  
Next Day Noon / Normal  
Delivery

Paid by account: \$13.65  
EMCA account number: 551112

Total: \$0.00

Paid by:

Bill #: 1000201133583  
Clerk: 18

Refunds only per DMM P014  
Thank you for your business  
Customer Copy